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PATENT

DOCKET NO.: 1538/15

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : S. Schwartz
SERIAL NO. : 09/072,412
FILED : May 4, 1998
FOR : MICROPHONE-TAILORED EQUALIZING SYSTEM
GROUP ART UNIT : 2747
EXAMINER : B. Pendleton

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Dated: November 14, 2001

Signature

Shawn W. O'Dowd
Shawn W. O'Dowd (Reg. No. 34,687)
KENYON & KENYON

SUPPLEMENTAL COMMENTS CONCERNING RESTRICTION REQUIREMENT

SIR:

This communication provides further comment to the Response filed on October 3, 2001.

With respect to the Examiner's grouping of claims in groups I and II, it is respectfully submitted that the inventions described in claims 1 and 6 each refer to the comparison of reference sounds to actual sounds from an instrument. The key difference between these claims is that one specifies that a microphone picks up the reference sounds while the other does not.

With respect to the Examiner's grouping of claims in groups II and III, it is respectfully submitted that though several instruments are referred to in the claims of group III, the comparison of reference sounds to actual sounds occurs one instrument at a time. Also, the performance of the comparison for multiple instruments is found in claims of groups I, II, and III.

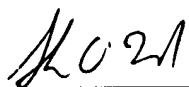
As stated previously, it is respectfully submitted that the restriction requirement for the claims of groups I, II, and III is in error. There does not appear to be sufficient distinctiveness between the inventions to warrant this requirement. Reconsideration and withdrawal of the restriction requirement is respectfully requested.

The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON

Dated: November 14, 2001

By: _____


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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/072,412	
	Filing Date	May 4, 1998	
	First Named Inventor	Stephen R. SCHWARTZ	
	Group Art Unit	2747	
	Examiner Name	B. Pendleton	
Total Number of Pages in This Submission	3	Attorney Docket Number	1538/15

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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): SUPPLEMENTAL COMMENTS CONCERNING RESTRICTION REQUIREMENT
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	SHAWN W. O'DOWD		
Signature			
Date	November 14, 2001		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: November 14, 2001			
Typed or printed name	Pilar Rodriguez		
Signature		Date	November 14, 2001

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